

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2131 of 2021

Gajendra Nayak

....

Petitioner

Mr. A. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
02.05.2022

Order No.

08.

1. This matter is taken up through hybrid mode.
2. The petitioner is an accused in G.R. Case No.32 of 2020, on the files of learned Sessions-cum-Special Judge, Ganjam, Berhampur, arising out of Chamakhandi P.S. Case No.158 of 2020, under Sections 20(b)(ii)(c) and 29 of the N.D.P.S Act and is in custody since 23.11.2020.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions-cum-Special Judge, Ganjam, Berhampur, by order dated 21.01.2021 in the aforementioned case, the present BLAPL has been filed.
4. Learned counsel for the petitioner submits that he similarly circumstanced with one Mr. Manoj Mallick, released on bail by this Court by order dated 22.04.2022 in BLAPL No.771 of 2021.
5. Learned counsel for the State opposes the prayer for bail submitting that the ground of parity as urged is misconceived and in

view of the bar under Section 37 of the NDPS Act, petitioner is not entitled to be released on bail.

6. Taking into account the period of custody of the petitioner and release of the co-accused by this Court as adverted to above, this Court directs the petitioner to be released on bail, on such terms to be fixed by the learned Court in seisin over the matter.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of this order be granted as per rules.

Santoshi

